

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION6
ORIGINALNETJUMPER SOFTWARE, L.L.C.
a Michigan limited liability corporation,

Plaintiff,

v.

GOOGLE INC.,
a California corporationCivil Action No. 04-70366-CV
Hon. Julian Abele Cook

Magistrate Judge R. Steven Whalen

Defendant.

Andrew Kochanowski
Nabeel M. Hamamch
Sommers Schwartz, PC
2000 Town Center, Suite 900
Southfield, MI 48075

Kathleen A. Lang (P34695)
L. Pahl Zinn (P57516)
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Attorneys for Google Inc.

GOOGLE INC.'S WITNESS LIST

05 OCT 11 P 252

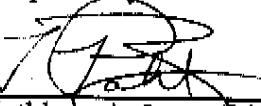
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NOW COMES Google Inc., by their attorneys Fish & Richardson P.C. and Dickinson Wright PLLC, and in furtherance to the Court's Amended Scheduling Order of September 12, 2005 lists witnesses Google may call at trial. This list was sent by mail and facsimile to counsel for NetJumper Software, L.L.C. ("NetJumper") on October 10, 2005 (Exhibit A) and identifies the following lay and expert witnesses who may be called at trial:

1. Breen Hagan (Google toolbar)
2. Joseph Hardin (expert witness)
3. Randall Stark (fact witness, prior art)
4. Howard Harowitz (fact witness, prior art)
5. Edward Mendelson (fact witness, prior art)
6. Gilbert Borman (fact witness, inequitable conduct)
7. Any additional fact and expert witnesses to testify on the use, licensing, and value of the Google Toolbar, as well as any of the other topics in NetJumper's 30(b)(6) deposition notices.
8. Any additional fact and expert witnesses to testify on the function, structure, operation, use and value of the Google Viewer.
9. Any additional witnesses whose identities become known during the course of discovery, including witnesses identified by NetJumper, as well as witnesses to authenticate any documents or things for which the authenticity and/or admissibility is disputed by NetJumper.
10. Any rebuttal fact and expert witnesses to address any alleged facts, claims, reports, or testimony advanced by NetJumper or its witnesses, including but not limited to

NetJumper's allegation of willful infringement.

Respectfully submitted,

By: 

Kathleen A. Lang (P34695)

L. Pahl Zinn (P57516)

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Attorneys for Google Inc.

Dated: October 11, 2005

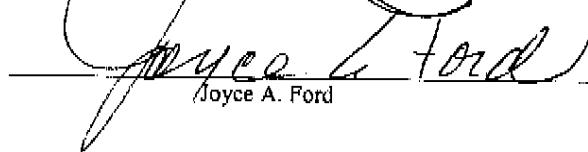
DETROIT 28155-1 901698v2

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of Google Inc.'s Witness List and Certificate of Service was served upon all parties and/or attorneys of record to the above cause herein at their respective street addresses as disclosed on the pleadings and/or their respective email addresses and/or their respective facsimile numbers on October 11, 2005, via:

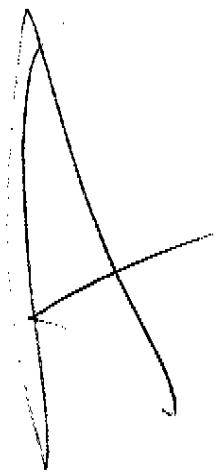
U. S. Mail Facsimile
 Overnight Courier Hand Delivery
 Email Federal Express

I declare under penalty of perjury that the statement above is true to be best of my information, knowledge and belief.



Joyce A. Ford

DETROIT 28155-1 850839v1



FISH & RICHARDSON P.C.

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VIA FACSIMILE AND U.S. MAIL

October 10, 2005

Web Site
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Andrew Kochanowski, Esq.
Sommers Schwartz
2000 Town Center, Suite 900
Southfield, MI 48075

Re: NetJumper Software, L.L.C. v. Google Inc.
USDC-E.D. MI - Case No. 2:04CV70366

FR

Dear Andy:

AUSTIN

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

This letter is further to the Amended Scheduling Order entered on September 12, 2005. Google may call the following witnesses at trial:

Breen Hagan (Google Toolbar)
Joseph Hardin (expert witness, liability)
Randall Stark (fact witness, prior art)
Howard Harowitz (fact witness, prior art)
Edward Mendelson (fact witness, prior art)
Gilbert Borman (fact witness, inequitable conduct)

Google may call additional fact and expert witnesses (e.g., damages and survey experts) to testify on the use, licensing, and value of the Google Toolbar, as well as any of the other topics in NetJumper's 30(b)(6) deposition notice. Google may also call additional witnesses to testify on the function, structure, operation, use, and value of the Google Viewer. Furthermore, Google may call additional witnesses whose identities become known during the course of discovery, including witnesses identified by NetJumper, as well as witnesses to authenticate any documents or things for which the authenticity and/or admissibility is disputed by NetJumper.

Google may call rebuttal fact and expert witnesses to address any alleged facts, claims, reports, or testimony advanced by NetJumper or its witnesses, including but not limited to NetJumper's allegations of willful infringement.

Very truly yours,



Jason W. Wolff

cc: Michael H. Baniak, Baniak Pine & Gannon